

**MONTGOMERY COUNTY BOARD OF EDUCATION
POLICY COMMITTEE**

September 20, 2011

The meeting was called to order at 2:30 p.m. with the following Board members and Board staff present: Pat O'Neill, (chair), Shirley Brandman, Alan Xie, Suzann King (staff assistant), and Glenda Rose (recorder).

Guest Board Members: Judy Docca and Mike Durso.

Legal Counsel: Judy Bresler and Eric Brousaides.

Other staff present: Harriet Potosky, Sally Davis, Lori-Christina Webb, Sylvia Morrison, Janine Bacquie, Susanne DeGraba, Diane Mohr, James Song, Moriah Martin, Robin Confino, Janice Turpin, and Anne Kamenstein

The minutes from May 17, 2011, committee meeting were approved.

Discussion of Policy BBB, Ethics

During the 2010 legislative session, the General Assembly enacted ethics laws applicable to boards of education. The State Ethics Commission promulgated regulations to implement those laws and also provided model policies that are deemed to be in compliance with those laws. Mr. Brousaides provided a briefing about this new law that requires boards of education to develop conflict of interest regulations applicable to Board members that are equivalent to or exceed State requirements. A board's conflict of interest regulations pertaining to its employees must be similar to State requirements. The new law requires boards to develop financial disclosure regulations applicable to Board members and candidates for the Board that are equivalent to or exceed State requirements. A board of education may develop financial disclosure regulations pertaining to some of its employees, including the superintendent, and those must be similar to State requirements.

Given that the new state law is more specific, the Board's ethics policy (Policy BBB) must be revised. The committee reviewed the state ethics regulations and model policy provisions which were reflected in the red-lined draft of Policy BBB. The following is a list of some of the highlights of the changes necessitated by the new law and model policy:

- Defines a "qualified relative" to include a spouse, parent, child or sibling. Further, it restricts a school official's participation in certain matters if a qualified relative has certain financial interests in entities that may be involved in those matters.
- Prohibits participation in a matter involving a business entity in which: (a) the Board member/employee, or a qualified relative, has an arrangement for prospective employment; (b) the entity has an existing contract with the school official or his/her qualified relative which could create a conflict of interest; (c) the entity is owned by another entity which the school official has a direct financial interest; or the school official knows the business entity is a his/her creditor or that of a qualified relative

- Prohibits employment relationships that would impair impartiality or independence of the school official;
- Prohibits school officials from having a financial interest in an entity that is subject to the authority of the school system or is negotiating or has a contract with the school system, except where the employment doesn't create a conflict or appearance of conflict. Other exceptions exist as well, i.e., if disclosed on financial disclosure or Panel allows it.
- Prohibits any solicitation of gifts. Also, prohibits accepting gifts from persons 1) doing/seeking business with the school system; 2) subject to the authority of the school system; 3) lobbyists as to matters within the school officials jurisdiction; and 4) who have financial interests that may be substantially affected, in a manner distinguished from the public generally, by the performance of the school officials' duties
- Does not allow acceptance of tickets to interscholastic or intercollegiate sporting events
- Requires school officials to disclose more information about real property interests, interests in corporations or partnerships, and sources of earned income. The section on sources of earned income also requires information about immediate family members.

The Committee discussed various aspects of the policy and the changes necessitated by the model policy. The Committee also stated that there is a need to provide more training about the ethics policy and recommended such measures as updating the web site, providing guidelines or FAQ on ethics-related issues, and providing more information in employment packets.

The Committee decided on the following process for revising Policy BBB:

1. The Board's Ethics Panel will serve as the focus group for the revision of the policy.
2. The Policy Committee will review comments from the Ethics Panel.
3. The Policy will be sent out for public comments.
4. The Policy will be submitted to the State Ethics Commission before the Board final adoption of the revised policy.

Review of Items Referred to Committee

The Board of Education had referred two items to the Policy Committee to review: the impact of an opinion by the Open Meetings Compliance Board and the charter school application process. Legal counsel briefly reviewed the background of, and rationale for an Open Meeting Compliance Board opinion that determined a Baltimore County Board of Education boundary line committee and the MCPS Site Selection Advisory Committee were "public bodies" under the Open Meetings Act. The opinion described these committees as "public bodies" because they consisted of at least two people and were required by a rules, regulation, resolution, or policy of the Board. There was a discussion about the impact of this decision on current policies, particularly the policy on Advisory Committees and the Long-Range Educational Facilities Planning Policy.

The Committee asked Judy Bresler to draft some language regarding the Board's use of advisory committees, which will be reviewed at a future Policy Committee meeting.

Discussion of Policy ACG, Access to Services, Programs and Activities by Individuals with Disabilities

Staff reported that after the policy was distributed for public comments, there was one suggested change: add "facilities" on page one. There was a short discussion on "mobility devices" and the access requirements for such devices. The Committee agreed to forward the policy to the Board of Education with a recommendation for final approval of the policy.

Policy KGC, Child Care

Staff modified the language of this policy based on comments from Committee members at the last meeting. The Committee agreed to forward the policy to the Board of Education with a recommendation for tentative approval of the policy.

Policy CND, School Related Fund Raising

Staff explained the process used by staff and a stakeholder group's review of the policy. After reviewing the suggested changes, there was a discussion on donations, the difference between advertising and school-related fundraising, and the possibility of addressing advertising in a regulation or policy.

Staff will make additional modifications to the language in the policy (including adding a reference to school foundations) and bring a revised draft to a future committee meeting.

The meeting ended at 4:50 p.m.